**HONOURABLE SRI JUSTICE D.APPARAO**

On Tuesday, the thirtieth day of May,

two thousand and six .

**W.P.No.9616 of 2006**

J. Nathanial Dev and others.

…….Petitioners.

And:

The A.P.Central Power Distribution Company Limited, represented by its Superintending Engineer (Operations), Kurnool, Kurnool District and others.

……..Respondents.

**HONOURABLE SRI JUSTICE D.APPARAO**

**W.P.No.9616 of 2006**

**O R D E R:**

The petitioners are owners of industries and were extended power supply. Through proceedings dated 21.3.2006 the 3rd respondent disconnected the power supply to the plants of petitioner Nos. 1, 3 and 4 to 6 on 27.4.2006 and to the 2nd

petitioner's plant on 29.4.2006. The petitioners state that when they approached the third respondent's office, they informed that the connections were disconnected basing on the orders dated 21.3.2006, issued by the Superintending Engineer, Operation Circle, Kurnool. The petitioners are challenging the same.

2. Heard the learned counsel for the petitioners and learned standing counsel for the 3rd respondent.

3. A perusal of the memo dated 21.3.2006 discloses that the third respondent directed his subordinate staff to disconnect the power supply to such of those industries, which are not having BIS Certification (ISI mark) for manufacture/sale of packaged drinking water. The petitioners contend that they are not undertaking the activity of manufacture and sale of packaged drinking water. Even assuming, the power supply of the petitioners is liable to be disconnected for any reason, it is the basic obligation of the 3rd respondent to serve a show cause notice and take further steps only after receiving the explanation. Such course was not adopted in this case.

4. The learned counsel for the petitioners submits that earlier, this Court in W.P.No.10410 of 2006 by order dated 25.05.2006 directed the third respondent therein to restore power supply to the petitioners and to serve a show cause notice and take further steps only after receiving the explanation. I do not see any difficulty in adopting the very same procedure.

5. On this short ground, the impugned order is set aside. The third respondent is directed to restore the power supply to the petitioners forthwith. It is however made clear that it is open to the third respondent to issue show cause notice to the petitioners and take further action in accordance with law.

The writ petition is accordingly disposed of. No costs.

*JUSTICE D. APPARAO*

30th May 2006

BCS